

1 RENE L. VALLADARES
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 ANDREW WONG
5 Assistant Federal Public Defender
6 Nevada State Bar No. 14133
7 411 E. Bonneville, Ste. 250
8 Las Vegas, Nevada 89101
9 (702) 388-6577/Phone
10 (702) 388-6261/Fax
11 Andrew_Wong@fd.org

12 Attorney for Marcus Mattingly

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 UNITED STATES OF AMERICA,

16 Case No. 2:21-MJ-00231-BNW-1

17 Plaintiff,

18 **STIPULATION TO CONTINUE**
19 **PRELIMINARY HEARING**
20 (Third Request)

21 v.

22 MARCUS MATTINGLY,

23 Defendant.

24 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,
25 Acting United States Attorney, and Melanee Smith, Assistant United States Attorney, counsel
26 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
Andrew Wong, Assistant Federal Public Defender, counsel for Marcus Mattingly, that the
Preliminary Hearing currently scheduled on June 8, 2021 at 3:30 pm, be vacated and continued
to a date and time convenient to the Court, but no sooner than thirty (30) days.

This Stipulation is entered into for the following reasons:

1. Defense counsel needs additional time to review discovery.
2. Parties have entered negotiations and need the additional time to resolve this matter.

1 3. Defendant is incarcerated and does not object to a continuance.

2 4. Additionally, denial of this request for continuance could result in a
3 miscarriage of justice.

4 5. The additional time requested by this stipulation is excludable in computing
5 the time within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18,
6 United States Code, Section 3161(b), considering the factors under Title 18, United States
7 Code, Section 3161(h)(7)(A) and (B)(i) and (iv). The additional time requested by this
8 stipulation also is excludable in computing the 90-day speedy trial clock imposed by the
9 Speedy Trial Act, Title 18, United States Code, Section 3161(c), considering the factors under
10 Title 18, United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

11 This is the third request for continuance filed herein.

12 DATED this 7th day of June, 2021.

13
14 RENE L. VALLADARES
15 Federal Public Defender

CHRISTOPHER CHIOU
Acting United States Attorney

16 /s/ Andrew Wong
17 By _____
18 ANDREW WONG
19 Assistant Federal Public Defender

/s/ Melanee Smith
By _____
MELANEE SMITH
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
MARCUS MATTINGLY,
Defendant.

Case No. 2:21-MJ-00231-BNW-1

ORDER

Based on the Stipulation of counsel and good cause appearing,
IT IS THEREFORE ORDERED that the Preliminary Hearing currently scheduled on
Tuesday, June 8, 2021 at the hour of 3:30 p.m., be vacated and continued to
July 13, 2021 at the hour of 2:00 p.m.
DATED this 7th day of June, 2021.

Ben Wetzler
UNITED STATES MAGISTRATE JUDGE